

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Confirmation No.: 8739

In re Application of WEAVER

Serial No.: 09/828,247

Group: 2153

Examiner: Klinger, Scott M.

Date Filed: June 22, 2001

Docket No.: 6169-190

IBM Docket No.: BOC9-2000-0055

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JAN 20 2006

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

J. J. Mark Weaver, a citizen of the United States of America, residing at [REDACTED]

[REDACTED] Austin, TX [REDACTED] hereby declare and state as follows:

1. I was employed by International Business Machines Corporation (IBM) in Armonk, New York at the time the above-identified application was conceived. I make this declaration in support the above-identified application.

2. IBM had invested substantial time and effort into the research, development, and marketing of their products, and in an effort to protect its rights in all new inventions, IBM requests that all employees prepare and submit confidential Invention Disclosure Forms upon conception by the inventor(s).

3. As the named inventor for this invention, I submitted the attached IBM Confidential Invention Disclosure BOC8-2000-0046 for consideration to an IBM Attorney / Patent Professional for preparation of a patent application on April 28, 2000. The content of the disclosure has not been subsequently modified.

4. The Confidential Invention Disclosure represents a fully conceived and workable invention as written. I reviewed the claims of the above-mentioned patent application prior to submission of the application to assure the claimed invention was fully supported by the disclosure in light of the invention disclosure and art known at the time of the disclosure.

Declaration Under 37 C.F.R. § 1.131
U.S. Patent Appln. No. 09/888,247
Docket No. 6169-190

5. I diligently worked with outside counsel throughout the year of 2001 to prepare and file the above-mentioned patent application.

6. I make this Declaration to establish that I conceived of the present invention at least as early as April 28, 2000, and exercised due diligence from prior to April 28, 2000 through June 22, 2001, the filing date for the above-identified patent application.

7. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.

J. Mark Weaver

Date: 12/21/2004

STATE OF TEXAS

COUNTY OF _____

The foregoing instrument was sworn to and subscribed before me this _____ day of
, 2004, by J. MARK WEAVER, who is personally known to me or who has
produced _____ (type of identification) as identification.

NOTARY PUBLIC, STATE OF TEXAS

(Print, Type or Stamp Commissioned Name of Notary Public)



Disclosure BOC8-2000-0046

Created By: Mark Weaver Created On: 04/27/2000 12:04:34 PM
 Last Modified By: Elaine Venturelli Last Modified On: 06/09/2000 12:23:44 PM

*** IBM Confidential ***

Required fields are marked with the asterisk (*) and must be filled in to complete the form.

Summary

Status	Submitted
Processing Location	BOC
Functional Area	Telecommunications & Media
Attorney/Patent Professional	Richard Tomlin/Boca Raton/IBM
IDT Team	[REDACTED]
Submitted Date	04/28/2000 03:38:03 PM
Owning Division	SWG
	To calculate a PVT score, use the 'Calculate PVT' button.
Incentive Program	[REDACTED]
Lab	[REDACTED]
Technology Code	[REDACTED]

Inventors with Lotus Notes IDs

Inventors: Mark Weaver/Austin/IBM

Inventor Name > denotes primary contact	Inventor Serial	Div/Dept	Manager Serial	Manager Name
Weaver, J.M. (Mark)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Inventors without Lotus Notes IDs

IDT Selection

IDT Team: [REDACTED]	Attorney/Patent Professional: Richard Tomlin/Boca Raton/IBM
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Main Idea

*Title of disclosure (in English)

Low Cost Monitor & Alert Application for Global Merchant Service

*Idea of disclosure

1. Describe your invention, stating the problem solved (if appropriate), and indicating the advantages of using the invention.

This disclosure describes a software application monitoring tool that provides a simple but effective method for empirically validating the on-going availability of system functions for the Global Merchant Service. The current IBM Global Merchant Service does not detect failures or delays in the 'verification and clearing' of financial transactions outside of the Global Merchant Service operations center. These external failures or delays include the Merchant's web hosting service, Merchant's ISP, CSP's ISP, IBM's ISP, and Credit Card Clearing services. Although these types of failures and delays are outside of the conventional control of the operation center, knowing about these impacts allows the Global Merchant

BOC8-2000-0046 Low Cost Monitoring & Alert Application for Global Merchant Service - Continued

Service support team to pro-actively assist in problem resolution thus having a significant impact to the overall customer satisfaction level with the Global Merchant Service.

2. How does the invention solve the problem or achieve an advantage, (a description of "the invention", including figures inline as appropriate)?

The software is built from new and 'off the shelf' components. The new components include: Dispatcher, Collector, Logger, Monitor, and Alerter. See figure 1. The 'off the shelf' components include any commonly available personal computer & operating system with a Java Virtual Machine, connected to the Internet.

The Dispatcher is a Java applet / application that reads a list of predetermined merchant URLs from an existing database, and sequentially submits a placebo transactions (as if it were a purchases transaction) to each through the Internet. The Dispatcher accepts the following methods (from the monitor component): Start, Stop, Set_Interval. The dispatched Merchant URL, unique sequence number, and time is placed in a transaction log by the Logger component.

The Collector is a Java applet / application that accepts the response messages of the placebo transactions from each respective merchant web site. The Collector accepts the following methods: Receive Message. The arrival time of the response is logged for the given merchant URL and sequence number.

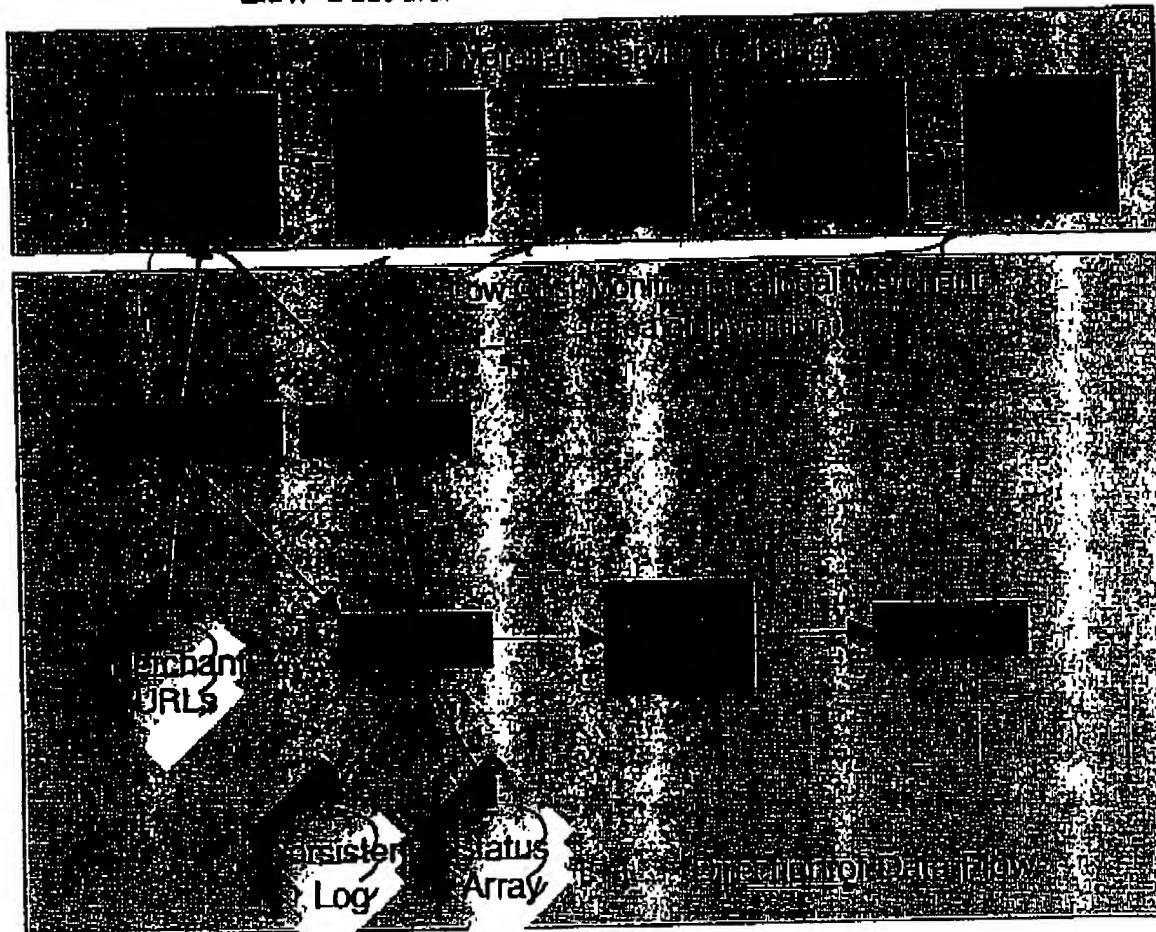
The Logger is a Java applet / application that accepts messages from the Monitor, Dispatcher, and Collector. The Logger accepts the following methods: Set_Sample_Size, Log_Dispatched, Log_Response, Purge_Log, Purge_Current_Status, Read_Status. The Logger maintains a two dimensional Current_Status array of entries, Indexed by Merchant URL and by Sample size, with each element of the array to include (a) an indication that a given Dispatched has received a response and (b) the dispatched time minus the response time. The Log_Dispatched method writes a sequential entry for each outbound transaction from the Dispatcher and to the Current_Status array. The Log_Response writes the response time from the Collector for previously logged entries by the Dispatcher and to the Current_Status array. Sequential entries are stored for each Merchant URL up to the Sample_Size. Subsequent Log_Dispatched entries replace the oldest entries in the array for that Merchant URL. The Read_Status method returns the total number of entries for a given Merchant URL (up to Sample Size), the number of unanswered outstanding requests, the minimum, the maximum, and average response times for a requested merchant URL.

The Monitor is a Java application / applet that periodically issues a Request_Status to the Logger with the Request_Status method. The Monitor method accepts the following methods: Set_Alert_Average_Timeout_Threshold, and Set_Alert_Outstanding_Threshold. The monitor applet provides a graphical summary list of merchant URLs with the corresponding minimum, average, maximum response times for each. If any given Merchant URL exceeds the Set_Alert_Average_Timeout_Threshold or the Set_Alert_Outstanding_Threshold then an Alert is posted to the Alert applet.

The Alert application / applet class either sounds an audible alert to the system console or radio-pager telephone number.

The Global Merchant Service procedures are modified to emulate a Credit Card Clearing transaction with a floating average response time of the most recent Credit Card Clearing transaction.

Data Flow Diagram for Low Cost Monitor for Global Merchant



4/27/2000

Figure

Existing monitoring methods in the Global Merchant Service do not include the response and availability of the entire transaction processes as perceived by the Global Merchant customer. This leaves failures or delays in Merchants website, Merchants ISP, Merchant's CSP, IBM's ISP, and IBM's Credit Card Clearing undetected and not measured. The proposed invention measures and monitors the entire process as perceived by the customer.

January 2, 2001

Page 2 of 5

CHK. On

60169-190 Life Patent Appln. by 01/02/01
in process

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March 2 2006

pg 2 of 23

161169-190 file Patent Appeals by 04/02/01 - OK gav/smg

April 2, 2007

Pg. 2 of 25

6169-190 File Patient Appn. by Today

In going
progress

May 2, 2001

✓ 6169

✓ prepare file Patents in Process 6/18/01

✓ 190

✓ be Process

R/DO
L. Morris

June 2, 2001

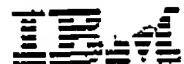
601609-~~1~~

Prepare & File Patents

G An/SMC

-190

10 month



1798 NW 40th Street
Boca Raton, FL 33431

October 2, 2000

Ackerman, Senterfitt & Eidson, P.A.
222 Lakeview Avenue
Fourth Floor
Post Office 3188
West Palm Beach, FL 33402-3188

Dear steve,

Please prepare and file the cases listed below with the U. S. Patent and Trademark Office. A copy of the invention disclosure is enclosed for your use in preparing the application in accordance with IBM's format.

6164-190
Invention Disclosure: BOC6-2000-0046
Title: LOW COST MONITOR & ALERT APPLICATION FOR GLOBAL MERCHANT SERVICE
IBM Docket: BOC9-2000-0055

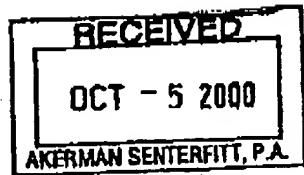
Thank you for your assistance in this matter.

Sincerely,

Richard A. Tomlin

Richard A. Tomlin
Consulting Attorney

Enclosures



AKERMAN SENTERFITT

ATTORNEYS AT LAW

222 LAKEVIEW AVENUE, SUITE 400

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PHONE (561) 653-5000 • FAX (561) 653-5333

<http://www.akerman.com>

21/02/01 > Reminders
23/02/01
9/02/01 - File Patent Appln. Today

October 11, 2000

Richard A. Tomlin, Esq.
IBM Corporation
1798 NW 40th Street
Internal Zip 2106
Boca Raton, FL 33431

Re: New Patent Application
LOW COST MONITOR & ALERT APPLICATION FOR GLOBAL
MERCHANT SERVICE
IBM Docket No. BOC9-2000-0055; Our Docket No. 6169-190

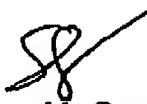
Dear Dick:

Thank you for your letter dated October 2, 2000. In accordance with your instructions, a patent application will be filed in the above-referenced matter on or before April 2, 2001. Notwithstanding, we will strive to prepare the patent application in an expedient manner.

As always, thank you for allowing us to be of assistance to you.

Very truly yours,

AKERMAN SENTERFITT.


Steven M. Greenberg

SMG/kmw

cc: Gregory A. Nelson, Esq.

P1000807.WPD

AKERMAN, SENTERFITT & EIDSON, P.A.

PAGE 25/29 * RCVD AT 1/20/2006 3:36:49 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/30 * DNIS:2738300 * CSID:5616596313 * DURATION (mm:ss):09:18

AKERMAN SENTERFITT
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<http://www.akerman.com>

May 11, 2001

VIA FACSIMILE [REDACTED]

Mr. Mark Weaver
IBM Corporation
11400 Burnet Road
Bldg. 901/MS9121
Austin, TX 78758

**Re: New Patent Application
MONITORING TOOL
IBM Docket No. BOC9-2000-0055; Our Ref: 6169-190**

Dear Mark:

Enclosed please find a draft of a patent application for the above identified matter. Please review it carefully to ensure that the description of the invention accurately recites all of the invention's characteristics in the broadest possible manner, while also explaining, in detail, the preferred embodiment of the invention. The drawings should also be reviewed to confirm that they accurately depict the various details of the invention as you understand them. Finally, please read through the numbered claims at the end of the application. The claims will define the scope of protection any patent issuing from this application will provide. Accordingly, you should review them to ensure that they do not unduly restrict the scope of the invention by including any unnecessary detail. After you have reviewed the application, please call me with any comments you may have.

Please recall that patent applicants have a duty to disclose to the United States Patent Office all reasonably pertinent prior art of which they are aware. Failure to do so can jeopardize the validity of any patent issuing from an application. Accordingly, should you become aware of such references at any time during the pendency of this application, please let us know.

Very truly yours,

AKERMAN SENTERFITT

Kevin T. Cuenot

Kevin T. Cuenot

KTC/djt
Enclosures

P1012949:1

AKERMAN, SENTERFITT & EIDSON, P.A.

** TX STATUS REPORT **

AS OF MAY 11 2001 15:00 PAGE.01

AKERMAN SENTERFITT

DATE	TIME	TO/FROM	MODE	MIN/SEC	POS	JOB#	STATUS
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AKERMAN SENTERFITT

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May 11, 2001

VIA FACSIMILE

Mr. Mark Weaver
 IBM Corporation
 11400 Burnet Road
 Bldg. 901/MS9121
 Austin, TX 78758

Re: New Patent Application
 MONITORING TOOL
IBM Patent No. 8009-2000-0055; Our Ref: 6169-190

Dear Mark:

Enclosed please find a draft of a patent application for the above identified matter. Please review it carefully to ensure that the description of the invention accurately recites all of the invention's characteristics in the broadest possible manner, while also explaining, in detail, the preferred embodiment of the invention. The drawings should also be reviewed to confirm that they accurately depict the various details of the invention as you understand them. Finally, please read through the numbered claims at the end of the application. The claims will define the scope of protection any patent issuing from this application will provide. Accordingly, you should review them to ensure that they do not unduly restrict the scope of the invention by including any unnecessary detail. After you have reviewed the application, please call me with any comments you may have.

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Very truly yours,

AKERMAN SENTERFITT

Kevin T. Cuenot

Kevin T. Cuenot

KTC/dt
 Enclosures

5616596313

AKERMAN, SENTERFITT & EIDSON, P.A.

MIAMI • ORLANDO • TALLAHASSEE • TAMPA

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<http://www.akerman.com>

June 21, 2001

Via Facsimile [REDACTED]

Mr. Mark Weaver
11012 Crossland Drive
Austin, TX 78726-1318

Re: Patent Application for
MONITORING TOOL
IBM Docket No. BOC9-2000-0055; Our Ref: 6169-190

Dear Mark:

Enclosed please find a final draft of a patent application referenced above along with formal documents for execution. Please review the revised application and if acceptable to you, kindly execute the "Declaration for Patent Application", "Assignment", and "Oath and Assignment". Please return the aforementioned documents to me via facsimile at 561-653-5333 along with mailing the originals to the address listed above.

Please note that a patent applicant has a duty to disclose to the United States Patent Office all reasonably pertinent prior art that is known by you. Failure to do so can jeopardize the validity of any patent issuing from an application. Accordingly, should you become aware of such references at any time during the pendency of this application, please let us know.

Should you have any questions, or wish to discuss this application further, please do not hesitate to call.

Very truly yours,

AKERMAN SENTERFITT

Kevin T. Cuenot

Kevin T. Cuenot

KTC/djt
Enclosure

P1015738;1

AKERMAN, SENTERFITT & EIDSON, P.A.

** TX STATUS REPORT **

AS OF JUN 21 2001 15:37 PAGE.01

AKERMAN SENTERFITT

DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	JOB#	STATUS
21	06/21 15:24	561 495 1845	53-S	13'12"	029	882	OK

AKERMAN SENTERFITT

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<http://www.akersx.com>

FAX: [REDACTED]

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NAME: Mark Weaver	CLIENT/MATTER NO: 6169-190
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COMPANY NAME: IBM Corp.	

SENDER'S NAME: Deedra Thompson per Kevin T. Cuenca

Re: MONITORING TOOL
IBM Docket BOC9-2000-0053 Our Docket 6169-190Comments from Sender: PLEASE HOLD FOR MARK WEAVER
(CONFIDENTIAL DOCUMENTS)

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